

promote efficient, environmentally sound farming techniques.

The shellfish aquaculture industry is an economic powerhouse and a potential source of tremendous growth. The east coast, which relies on this industry, is home to more than 13,000 small shellfish farmers. Yes, the annual harvests are valued at nearly \$80 million. The per-acre yields from shellfish aquaculture are among the highest of any form of agriculture. And I might add, this is agriculture; we just farm fish. And the industry provides thousands of jobs in rural areas. It supports related industries such as boat building, outboard repair, tourism and shellfish processing.

You know, today the U.S. now imports 80 percent of the seafood that we consume. Some of the worst food safety scares in recent weeks have come from seafood shipped from foreign shores. We should be building American businesses and providing an environment where more home-grown, safe seafood can reach the American public. These funds will turn research into results, making scientific information and innovation possible, benefiting shellfish producers nationwide, not only in Connecticut, but Louisiana, Texas, South Carolina, Washington State and, yes, other northeastern States.

You know, if my colleagues truly believe in supporting families and farmers, harnessing innovation, strengthening our economy, this policy is common sense.

I urge my colleagues to oppose the Flake amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, under this project, funds would be used to support the East Coast shellfish aquaculture industry. I think the gentlelady has eloquently stated the merits of this request. The committee has looked at it, vetted it, spent hours going over all projects, including the gentlelady's, who serves as a distinguished member of our subcommittee, and we strongly support this project and oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, let me say I am in accord with Chairman MOLLOHAN in terms of supporting the mark we have in the bill, and I also support Congresswoman DELAURO.

From a New Jersey perspective, in the interest of transparency, I rise in support of the work of the East Coast Shellfish Research Institute of Tom's River in Congressman JIM SXTON's

district. They do some good work. They work with other institutes around the Nation. And so I strongly support the retention of the language on this project in the bill.

Mr. Chairman, I yield back the balance of my time.

Mr. LARSON of Connecticut. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. LARSON of Connecticut. Mr. Chairman, I rise in strong opposition of the Flake amendment, and I wish to associate myself with the remarks of the distinguished lady from Connecticut (Ms. DELAURO). I think she has articulated and laid out very eloquently the argument, an argument that is put forward on this floor that makes all the sense in the world, especially as we seek, in the ensuing days and next week, to talk about farmers and, in essence, fishermen.

I don't think there is any greater representation of the American way and the American way of life and rugged individualism than through the eyes of people that labor in agriculture or aquaculture.

And so, when you take a look at this very modest earmark so eloquently defended by Ms. DELAURO, it is surprising to me, especially as someone who is the co-Chair of the Congressional Shellfish Caucus, that this amendment would be drawn against such a regional way of looking and promoting and fostering aquaculture and making sure, especially in light of the concerns that Ms. DELAURO raises with regard to foreign entities importing into our country without the kind of care and caution that we know comes from home-grown fisheries, and in this case, shellfish, and the science behind this and the coming together.

Government operates best when it operates as a collective enterprise, and this process here, contrary to what the gentleman is saying, is most democratic in terms of representing those fishermen and those farmers who rarely get a chance to come to this floor themselves. But through their representative process, whether it's Puget Sound or whether it's Long Island Sound, from coast to coast, we make sure that their concerns get represented and that there is an opportunity, through this earmark, to make sure that we provide them with the necessary research to continue to foster and grow.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the yeas appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further pro-

ceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FOSSELLA

Mr. FOSSELLA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOSSELLA:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used to carry out the decision of the United States Court of Appeals for the Second Circuit in *Lin, et al. v. United States Department of Justice* rendered on July 16th, 2007.

Mr. FOSSELLA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FOSSELLA. Mr. Chairman, my amendment is designed to prevent the Department of Justice from enforcing a decision made recently by the Second Circuit Court of Appeals in New York. Many of us know of the policy in China of forced sterilization and forced abortions, and this decision recently really ties into that.

As we also know, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 clearly stated that Chinese nationals are eligible for asylum if they're subjected to forced abortions or sterilization procedures in China.

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A decade of Department of Justice policy has held that spouses or unmarried partners of those subject to brutal treatment are also eligible.

Recently in *Lin, et al., v. The United States Department of Justice*, the second circuit overturned years of that policy and previous judicial decisions allowing Chinese men to claim asylum if their wife or partner is subject to a forced sterilization in China.

Less than 1 month before the second circuit handed down their decision, the third circuit came to the exact opposite assertion in *Jiang v. The Attorney General of the United States*, where they clearly upheld the decade-old policy of the Department of Justice granting asylum to spouses of those physically harmed by China's policy.

The chilling effect of the second circuit's decision is already being felt in States covered by the second circuit. Just 1 day after the second circuit handed down its decision, an immigration judge in Manhattan was bound to order the removal of an individual because her claim of asylum was based on the fact that her husband was a victim of the forced sterilization.

The lady had three children in violation of China's barbaric population control policies, keeping the first two hidden from the government. Upon the